

97-82/ [REDACTED]

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C.

**RECEIVED**

FEB - 9 2000

In the Matter of	)	
	)	
Petition of SBC Communications, Inc.	)	DA 00-145
for Waiver of the Eligibility Requirements	)	
of 47 C.F.R. § 24.709 for the PCS	)	
Frequency Blocks C and F Auction to	)	
Begin on July 26, 2000	)	
	)	
Petition of Nextel Communications, Inc.	)	DA 00-191
for Expedited Rulemaking or, in the	)	
Alternative, Waiver of the Commission's	)	
Rules	)	

To: Chief, Wireless Telecommunications Bureau

**REQUEST FOR EXTENSION OF TIME**

The Rural Cellular Association ("RCA"), by counsel, respectfully requests an extension of time until February 25, 2000, to file comments in the referenced proceedings. By Public Notice (DA 00-145, rel. Jan. 31, 2000), the Wireless Telecommunications Bureau (the "Bureau") originally established an extremely brief public comment period specifying a February 10, 2000 deadline for comments on the request filed by SBC Communications, Inc. ("SBC"). On January 31, 2000, however, another large company, Nextel Communications, Inc. ("Nextel") filed a petition posing a different request, but addressing issues in common with the SBC petition. Only four days later, the Bureau issued a second Public Notice, broadening its initial request for comments to address issues raised by both petitions, and extending the deadline for filing comments by a mere four days (including a weekend), until February 14, 2000 (*see* Public Notice, DA 00-191, rel. Feb. 3, 2000).

The significance of the scope and impact of the issues raised by petitioners' requests on small businesses appears to be minimized or disregarded by the Bureau's fast-track pleading schedule. The issues raised by the petitions address a dramatic abandonment of a policy the Commission implemented to fulfill an extant Congressional mandate. The mandate entails the dissemination of wireless licenses to small businesses. How and why this mandate has gone unfulfilled is a matter to be addressed subsequently within this and other appropriate forums. We note, however, that the comment cycle established in this proceeding may be part and parcel of an unfortunate direction that the Commission has taken with respect to small and rural business issues.

A well known and documented series of events has befallen the C Block. The resulting problems and public interest concerns that have evolved over several years will be exacerbated, and not alleviated, by any attempt to "fast track" the proposals of two large companies. Small businesses, with limited internal legal and regulatory resources require, at a minimum, a more normal Commission timetable within which to analyze and comment on the requests made by SBC and Nextel. RCA respectfully requests that the FCC not set aside the public interest and customary process in order to accommodate the business interests of two large companies.

Providing interested parties with a two week period in which to analyze the large company waiver requests, consider their impact, and draft comments is consistent with the established pattern of Commission actions affecting small businesses in the context of the PCS C Block auction. It would be unconscionable to deny small businesses, one of the intended beneficiaries of the Congressional mandate for special consideration, a meaningful opportunity to comment on proposals which, if adopted, would drastically affect their ability to participate in

the provision of wireless services throughout the country. The Bureau should not abdicate its responsibilities to ensure procedural fairness and should seek to avoid accusations of careless disregard for interested parties and the public.

The speed with which the Commission placed the SBC and Nextel petitions on public notice together with the brief comment cycle the Bureau has established is particularly ironic when viewed in the context of the Commission's general practices with respect to addressing the concerns of small and rural businesses. For example, during October and November of 1999, several rural telephone companies filed waiver requests regarding the universal service needs within their study areas. These petitions were not even placed on Public Notice until January 24, 2000, and the pleading cycle established by the Commission spans an additional two months.<sup>1</sup> The procedural treatment of the SBC and Nextel requests cannot escape contrast to the disregard of a rural telephone industry request to foster universal service through the use of certain frequencies in the 450 MHZ band for Basic Exchange Telecommunications Radio Service (BETRS) on a co-primary basis. The request was filed in 1992 and remained "pending" with the Commission for eight years before the agency dismissed the request on January 28, 2000 because the record had become "stale."<sup>2</sup>

---

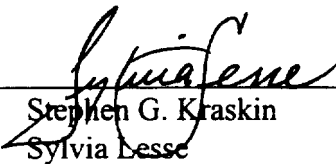
<sup>1</sup> Rural Telephone Companies Seek Removal of Individual Caps Placed on High Cost Loop Support, *Public Notice*, DA 00-121, released January 24, 2000. The petitions, which were consolidated in a single Public Notice, each contained a relatively simple request to remove the individual caps on universal service consistent with prior Commission action.

<sup>2</sup> In the Matter of Petition to Authorize Co-Primary Sharing of the 450 MHZ Air-to-Ground Radiotelephone Service with BETRS, *Memorandum Opinion and Order*, RM-8159, DA 00-72, released January 28, 2000, at ¶ 4.

Accordingly, and consistent with the public interest, RCA respectfully requests that the Bureau revise the comment cycle, and grant an extension of time, until February 25, 2000, to file comments in this matter.

Respectfully submitted,

THE RURAL CELLULAR ASSOCIATION

By \_\_\_\_\_  
Stephen G. Kraskin  
Sylvia Lesse

Its Attorneys

Kraskin, Lesse & Cosson, LLP  
2120 L Street, NW  
Suite 520  
Washington, DC 20037  
202/296-8890

February 9, 2000

## CERTIFICATE OF SERVICE

I, Shelley Davis, of Kraskin, Lesse & Cosson, LLP, 2120 L Street, NW, Suite 520, Washington, DC 20037, do hereby certify that a copy of the foregoing "Request for Extension of Time" of the Rural Cellular Association was served on this 9th day of February 2000, by first class, U.S. mail, postage prepaid to the following parties:

  
Shelley Davis

Thomas Sugrue, Chief \*  
Wireless Telecommunications Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room 3-C252  
Washington, DC 20554

Marie Guillory  
Jill Canfield  
National Telephone Cooperative  
Association  
4121 Wilson Blvd, 10<sup>th</sup> Floor  
Arlington, VA 22203-1801

Amy Zoslov, Chief \*  
Auctions and Industry Analysis Division  
Wireless Telecommunications Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room 4-A624  
Washington, DC 20554

International Transcription Services \*  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Leonard J. Kennedy  
Laura H. Phillips  
Christina H. Burrow  
Dow, Lohnes & Albertson, PLLC  
1200 New Hampshire Avenue, Suite 800  
Washington, DC 20036-6802

\* Via Hand Delivery

Wayne Watts, Vice President/President and  
Assistant General Counsel  
SBC Communications, Inc.  
175 E. Houston Street  
San Antonio, Texas 78205

Robert S. Foosaner, Senior Vice  
President/Chief Regulatory Officer  
Nextel Communications, Inc.  
2001 Edmund Haley Drive  
Reston, VA 20191